

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEON WEINGRAD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

FUND MATE, LLC

and

MENACHEM MINSKY

Defendants.

Case No.
24-4716

JURY TRIAL DEMANDED

**REQUEST FOR CLERK’S ENTRY OF DEFAULT AGAINST DEFENDANTS
FUND MATE LLC AND MENACHEM MINSKY**

COMES NOW Plaintiff Leon Weingrad, by and through the undersigned counsel, pursuant to FED. R. CIV. P. 55(a), and hereby files this Motion for Clerk’s Entry of Default against Defendants Fund Mate LLC and Menachem Minsky in the above-styled action. Plaintiff respectfully requests that the Clerk of Court enter default as the Defendants have failed to serve or file an answer to Plaintiff’s claims in this action within the time permitted by law or otherwise.

Federal Rule of Civil Procedure 12(a), entitled “Time to Serve a Responsive Pleading,” provides in pertinent part that “[a] defendant must serve an answer within 21 days after being served with the summons and complaint.” FED. R. CIV. P. 12(a)(1)(A)(i). Federal Rule of Civil Procedure 55(a), entitled “Entering a Default,” provides that “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure

is shown by affidavit or otherwise, the clerk *must* enter the party's default." FED. R. CIV. P. 55(a) (emphasis added).

Here, the Plaintiff filed his Complaint naming Defendants on September 6, 2024. (See ECF No. 1.) Defendants were served alternatively though the provision of New York State Law on November 15, 2024. (See ECF No. 3.) Defendants' answer to the complaint was due on December 6, 2024. No answer has yet been filed. Accordingly, the Plaintiff requests that the Clerk enter the Defendants' default pursuant to FED. R. CIV. P. 55(a).

CONCLUSION

WHEREFORE, for the reasons set forth herein, the Plaintiff respectfully requests that the Clerk of Court enter default against the Defendants pursuant to FED. R. CIV. P. 55(a).

RESPECTFULLY SUBMITTED AND DATED this 8th day of January, 2025.

/s/ Andrew Roman Perrong
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Glenside, Pennsylvania 19038
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CERTIFICATE OF SERVICE

I certify that I filed the foregoing via ECF on the below date, which will automatically send a copy to all attorneys of record on the case.

I further certify that I mailed a copy of the foregoing to:

Menachem Minsky
234 Lake Shore Drive
Monticello, NY 12701
Tracking Number: 00310903331480001186

and

Fund Mate LLC
234 Lake Shore Drive
Monticello, NY 12701
Tracking Number: 00310903331480001187

Dated: January 8, 2025

/s/ Andrew Roman Perrong
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